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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/868,151	10/17/2001	Olivier Hersent	NCX-002 (6909/3)	6043

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EXAMINER

SIMITOSKI, MICHAEL J

ART UNIT

PAPER NUMBER

2134

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

09/868,151

Applicant(s)

HERSENT, OLIVIER

Examiner

Michael J. Simitoski

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/22/02.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. The IDS of 2/22/2002 was received and considered.
2. The preliminary amendment of 10/17/2001 was received and considered.
3. Claims 1-10 are pending.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 5 recites the limitation "the obtaining" in line 1. There is insufficient antecedent basis for this limitation in the claim.

7. Regarding claim 5, physical access can only be denied/allowed at a physical point in a system, not a logical point; therefore, "without physical access immediately upstream of the obtaining" is unclear. *For the purposes of this Office Action, this limitation is understood to mean that the integrated circuit has no physical access.*

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-4 & 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,317,563 to Oouchi et al. (**Oouchi**) in view of U.S. Patent 6,092,191 to Shimbo et al. (**Shimbo**). Oouchi discloses carrying out, at an access interface/arrival packet monitor (Fig. 3), control operations/violation check (Fig. 3, #102, col. 6, lines 54-67 & col. 14, lines 32-49) on streams of packets transmitted, within the framework of a contract between a subscriber and a manager of a shared network (col. 1, lines 15-24 & col. 6, lines 63-67), and after having carried out the control operations/violation checks concerning a packet to be transmitted (col. 6, lines 54-67 & col. 14, lines 32-49), transmitting said packet from the access interface/arrival packet monitor with a signature/identification mark (col. 14, lines 32-49), authenticating that the packet has been subjected to the control operations (col. 14, lines 32-49). Oouchi lacks transmitting the packets to a concentrating router and lacks a signature based on a secret shared with the concentrating router. However, Shimbo teaches that to provide packet authentication in a hierarchically organized network or mobile computing environment (col. 3, lines 30-35), packet authentication is performed at each link, where the gateway/concentrating router applies an authentication code/signature (col. 15, lines 35-40), based on a secret/authentication key (col. 15, lines 35-40) shared with the next gateway/concentrating router, to the packet and transmits the packet (col. 11, line 53 – col. 12, line 2). The next gateway/concentrating router inspects the authentication code/signature (col. 12, lines 3-18). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to transmit the packet from the access interface/arrival packet monitor to a concentrating router/gateway with a signature/authentication code based on a secret shared/authentication key with the concentrating

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router/gateway, authenticating that the packet has been subjected to the control operations. One of ordinary skill in the art would have been motivated to perform such a modification to provide packet authentication in a hierarchically organized network or mobile computing environment, as taught by Shimbo (col. 3, lines 30-35, col. 11, line 53 – col. 12, line 18 & col. 15, lines 35-40).

10. Claims 5, as best understood, & 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Oouchi** and **Shimbo**, as applied to claims 1 & 6 above, in further view of U.S. Patent 5,726,660 to Purdy et al. (**Purdy**) and U.S. Patent 4,860,351 to **Weingart**. Oouchi, as modified above, lacks the signature and control operations carried out within a single integrated circuit. However, Purdy teaches that combining multiple functional components on a single integrated circuit reduces manufacturing costs significantly (col. 3, line 61 – col. 4, line 2). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to perform the signature and control operations on a single integrated circuit. One of ordinary skill in the art would have been motivated to perform such a modification to significantly reduce manufacturing costs, as taught by Purdy (col. 3, line 61 – col. 4, line 2). As modified, Oouchi lacks an absence of physical access immediately upstream of the obtaining the signature. However, Weingart teaches that providing an electronic circuit in a tamper-resistant package protects the information stored in the circuit (col. 3, lines 6-11). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use an integrated circuit where there is no physical access. One of ordinary skill in the art would have been motivated to perform such a modification to protect the information stored in the circuit, as taught by Weingart (col. 3, lines 6-11).

***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Simitoski whose telephone number is (571) 272-3841. The examiner can normally be reached on Monday - Thursday, 6:45 a.m. - 4:15 p.m.. The examiner can also be reached on alternate Fridays from 6:45 a.m. – 3:15 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached at (571) 272-3838.


**Any response to this action should be mailed to:**  
Commissioner of Patents and Trademarks  
Washington, DC 20231


**Or faxed to:**  
(703)746-7239 (for formal communications intended for entry)

**Or:**  
(571)273-3841 (Examiner's fax, for informal or draft communications, please label "PROPOSED" or "DRAFT")

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
MJS  
June 10, 2005

  
**ANDREW CALDWELL**  
**SUPERVISORY PATENT EXAMINER**